

**FILED**

OCT - 8 2009

EUGENE R. WEDOFF,  
BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re:

KDK, INC. D/B/A VIVO RESTAURANT

Debtor.

Case No. 09 B 09893

Chapter 11

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ORDER AWARDING TO  
QUERRY & HARROW, LTD., ATTORNEYS FOR DEBTOR, FOR ALLOWANCE AND PAYMENT OF  
INTERIM COMPENSATION AND REIMBURSEMENT OF EXPENSES

TOTAL FEES REQUESTED: \$26,538.50  
TOTAL FEES REDUCED: \$34.00  
TOTAL FEES ALLOWED: \$26,504.50

TOTAL COSTS REQUESTED: \$1,042.75  
TOTAL COSTS REDUCED: \$0.00  
TOTAL COSTS ALLOWED: \$1,042.75

**TOTAL FEES AND COSTS ALLOWED: \$27,547.25**

THE COURT HAS MARKED THE ATTACHED TIME AND EXPENSE ENTRIES THAT HAVE BEEN DISALLOWED IN WHOLE OR IN PART. THE BASIS FOR EACH DISALLOWANCE IS DISCLOSED BY THE NUMERICAL NOTATION THAT APPEARS ON THE LEFT SIDE OF EACH HIGHLIGHTED ENTRY. THE NUMERICAL NOTATIONS REFER TO THE ENUMERATED PARAGRAPHS BELOW.

(1) **Clerical Work Not Compensable**

The court disallows the compensation of clerical or stenographic employees of the professional for the performance of routine clerical or administrative activities in the normal course of the professional's business, such as photocopying, secretarial work, or routine filing. Such activities are not in the nature of professional services and must be absorbed by the applicant's firm as an overhead expense. *In re Dimas, LLC*, 357 B.R. 563, 577 (Bankr. N.D. Cal. 2006) (citing *Missouri v. Jenkins*, 491 U.S. 274, 288 n. 10 (1989)). See also *In re Chellino*, 209 B.R. 106, 114 (Bankr. C.D. Ill. 1996) (Paralegal, but not "clerk" services entitled to compensation at an hourly rate; clerk activities are overhead of the professional); *Souza v. Miguel*, 32 F.3d 1370, 1375 (9th Cir. 1994) (Trustee not entitled to reimbursement or compensation of overhead expenses such as secretarial, stenographic, clerical, and routine messenger services).

Dated: \_\_\_\_\_, 2009

  
Eugene R. Wedoff  
United States Bankruptcy Judge

8 OCT 2009

# Querrey & Harrow

175 West Jackson Blvd. - Suite 1600  
Chicago, Illinois 60604-2827  
312-540-7000

www.querrey.com

Tax I.D. No. 36-2777440

Please provide invoice number on remittance check

KDK, Inc.  
838 West Randolph Street  
Chicago, IL 60607

BILLING ATTORNEY - RRB

Attn: Dan Krasny

INVOICE # : 492852

AUGUST 3, 2009

CLIENT NUMBER - 03364 - 020

RE: KDK, Inc. Chapter 11 Bankruptcy  
CMR Number 39937000

MATTER # 39937

FOR PROFESSIONAL SERVICES RENDERED

Task	Date	Services	Init	Hours	Amount
Administration					
ADM	3/23/09	Review facsimiles and e-mails from client with additional data needed for schedules.	RRB	.50	160.00
ADM	3/23/09	Assemble data and complete schedules.	RRB	2.00	640.00
ADM	3/23/09	Call to D. K. regarding opening new DIP account and providing case number.	RRB	.30	96.00
ADM	3/23/09	Update revisions to schedules. Prepare and file schedules.	KCS	1.00	85.00
ADM	3/24/09	Phone call from D. Krasny regarding DIP account, and deposits/withdrawals. (5 min).	KCS	.10	8.50
ADM	3/24/09	Determine fax numbers of twenty largest creditors, input information into service list for Emergency Motion.	KCS	.40	34.00
ADM	3/25/09	Return call to D.K. discuss emergency motion for use of cash collateral; continuing operations and effect on 840 15	RRB	.30	96.00

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